
HOUSE BILL No. 1707

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-179; IC 9-22-1.

Synopsis: Notifying owners of abandoned vehicles. Requires a towing service that is in possession of an abandoned vehicle to obtain the name and address of the person who owns or holds a lien on the abandoned vehicle by: (1) contacting the bureau of motor vehicles (bureau); or (2) conducting a search of national data bases. Provides that an abandoned vehicle may not be disposed of until 30 days after notice is sent by the towing service or the bureau to the person who owns or holds a lien on the abandoned vehicle. (Current law permits disposal of an abandoned vehicle: (1) in a county containing a consolidated city, 15 days after notice is sent; or (2) in all other counties, 20 days after notice is sent.) Provides that a towing service that: (1) fails to contact the bureau or conduct a search to obtain the name and address of the person who owns or holds a lien on the vehicle; and (2) sells the vehicle; is liable to the person for damages resulting from the sale of the vehicle. Makes conforming amendments.

Effective: July 1, 2007.

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January 26, 2007, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1707

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-179 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service"
3 means a business that engages in moving or removing **abandoned or**
4 disabled vehicles and, once removed, stores or impounds vehicles.
5 SECTION 2. IC 9-22-1-7 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2007]: Sec. 7. If the person who owns a vehicle
7 cannot be determined by a search under section 20 **or 33** of this
8 chapter, the bureau shall declare the vehicle abandoned and provide for
9 disposal under this chapter.
10 SECTION 3. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name,
12 signature, and address of the person who owns or holds a lien on the
13 vehicle, a description of the vehicle or parts, costs, and date of release.
14 A towing **operator service** shall notify the bureau of all releases under
15 section 8 of this chapter.
16 SECTION 4. IC 9-22-1-16, AS AMENDED BY P.L.104-2005,
17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. ~~The towing operator shall do the following:~~

(1) ~~Contact the bureau to obtain the name and address of the person who owns the vehicle.~~

(2) ~~Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.~~

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 5. IC 9-22-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~ **who service** that tows a vehicle under section 16 of this chapter shall give notice to the public agency and bureau that the abandoned vehicle is in the possession of the towing ~~operator.~~ **service.**

SECTION 6. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard ~~or towing service~~ under section 13, 14, or 16 of this chapter, the public agency or towing ~~operator service~~ shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing ~~operator service~~ shall request that the bureau advise the public agency or towing ~~operator service~~ of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency

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or towing ~~operator~~ **service** fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing ~~operator~~ **service**:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 7. IC 9-22-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. Upon receipt of an abandoned vehicle report under section 19 of this chapter, the bureau shall do the following:

(1) Conduct a reasonable search through the national automobile theft bureau and the state police department to determine whether the vehicle or parts have been reported as stolen.

(2) Conduct a reasonable search of bureau records to determine the person who owns the vehicle or parts or the person who holds the lien of record.

(3) ~~Except as provided in subdivision (4)~~; If a reasonable search discloses the name and address of the person who owns or holds a lien on the vehicle:

(A) provide the name and address of the person who owns or holds a lien on the vehicle to the towing service that is in possession of the vehicle; and

(B) mail a written notice, by first class mail, to:

~~(A)~~ **(i)** the person who owns the vehicle, with a copy to each person who holds a lien on the vehicle if the bureau disposes of the vehicle; or

~~(B)~~ **(ii)** the public agency if the public agency disposes of the vehicle;

indicating that the vehicle or parts have been impounded at a certain location and must be removed within ~~twenty (20)~~ **the later of thirty (30)** days after the date of mailing of the notice **under this subsection or under section 33 of this chapter** and advising that the vehicle or parts will be disposed of after that time. The notice must advise the person who owns or holds a lien on the vehicle that all costs incurred in removing and storing the vehicle or parts are the person's legal responsibility.

~~(4) This subdivision applies only to a consolidated city or a~~

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1 county containing a consolidated city. If a reasonable search
 2 discloses the name and address of the person who owns or holds
 3 a lien on the vehicle, the bureau shall mail a written notice, by
 4 first class mail, to:

5 (A) the person who owns the vehicle, with a copy to each
 6 person who holds a lien on the vehicle if the bureau disposes
 7 of the vehicle; or

8 (B) the public agency if the public agency disposes of the
 9 vehicle;

10 indicating that the vehicle or parts have been impounded at a
 11 certain location and must be removed within fifteen (15) days of
 12 the date of mailing of the notice and advising that the vehicle or
 13 parts will be disposed of after that time. The notice must advise
 14 the person who owns or holds a lien on the vehicle that all costs
 15 incurred in removing and storing the vehicle or parts are the
 16 person's legal responsibility.

17 SECTION 8. IC 9-22-1-22 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) This section
 19 applies to the bureau.

20 (b) Except as provided in subsection (c); If the person who owns or
 21 holds a lien upon a vehicle does not appear within ~~twenty (20)~~ **thirty**
 22 **(30)** days after the ~~later of the~~ mailing of a notice under section 20 or
 23 **33** of this chapter, the bureau shall sell the vehicle or parts to the
 24 highest bidder at a public sale. Notice of the sale shall be given under
 25 IC 5-3-1, except only one (1) newspaper insertion one (1) week before
 26 the public sale is required.

27 (c) This subsection applies to a consolidated city or a county
 28 containing a consolidated city. If the person who owns or holds a lien
 29 upon a vehicle does not appear within fifteen (15) days after the
 30 mailing of a notice under section 20 of this chapter, the bureau shall
 31 sell the vehicle or parts to the highest bidder at a public sale. Notice of
 32 the sale shall be given under IC 5-3-1, except only one (1) newspaper
 33 insertion one (1) week before the public sale is required.

34 SECTION 9. IC 9-22-1-23 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section
 36 applies to a consolidated city, second class city, or county.

37 (b) Except as provided in subsection (c); If the person who owns or
 38 holds a lien upon a vehicle does not appear within ~~twenty (20)~~ **thirty**
 39 **(30)** days after ~~the later of the~~ mailing of a notice under section 20 or
 40 **33** of this chapter, the unit may sell the vehicle or parts by either of the
 41 following methods:

42 (1) The unit may sell the vehicle or parts to the highest bidder at

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a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 10. IC 9-22-1-32, AS AMENDED BY P.L.104-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.
- (3) Except as provided in section 33 of this chapter, a towing service.
- (4) An automobile scrapyard.
- (5) A storage yard.

SECTION 11. IC 9-22-1-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. (a) A towing service that is in possession of an abandoned vehicle under this chapter shall obtain the name and address of the person who owns or holds a lien on the abandoned vehicle by:

- (1) contacting the bureau; or
- (2) conducting a search of national data bases, including a data base of vehicle identification numbers.

(b) If the towing service obtains the name and address of the person who owns or holds a lien on the abandoned vehicle, the towing service shall send by first class mail written notice that the

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1 vehicle:
2 (1) is in the possession of the towing service; and
3 (2) will be disposed of if not removed within thirty (30) days
4 after the date of mailing of the notice.
5 The towing service shall advise the person who owns or holds a lien
6 on the vehicle that all costs incurred in removing and storing the
7 vehicle are the person's legal responsibility.
8 (c) A towing service that:
9 (1) fails to contact the bureau or conduct a search under
10 subsection (a); and
11 (2) sells the abandoned vehicle;
12 is liable to the person who owns or holds a lien on the vehicle for
13 damages resulting from the sale of the vehicle.

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